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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,514	08/05/2003	Ryuichi Mori	107439-00088	5413

7590 09/09/2004

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EXAMINER
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LE, DAVID D

ART UNIT	PAPER NUMBER
	3681

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/633,514	MORI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	David D. Le	3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 05 August 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 08/05/03, 04/23/04
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. This is the first Office action on the merits of Application No. 10/633,514, filed on 05 August 2003. Claims 1-12 are pending.

### **Documents**

2. The following documents have been received and filed as part of the patent application:

- Information Disclosure Statement, received on 04/23/04
- Information Disclosure Statement, received on 04/23/04
- Information Disclosure Statement, received on 08/05/03

### ***Specification***

3. The disclosure is objected to because of the following informalities:

- Page 15, lines 23-24, the “discharge pipe 36” and “discharge valve 36” are using the same reference number.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**5. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Patent No. 6,692,402 to Nakamori et al.**

*Claims 1-12:*

Nakamori (Figs. 1-9; column 2, line 41 – column 14, line 16) discloses a drive control apparatus comprising:

- An engine (2);
- A motor/generator (3);
- A battery (11);
- A transmission (5);
- A mechanical oil pump (7);
- An electric oil pump (8);
- A hydraulic controller (6);
- A control apparatus (1);
- Wherein the control apparatus includes a control section (10) having an oil temperature detection means (10a), an electric oil pump drive control means (10b), and a battery voltage detection means (10c);
- An oil temperature sensor (13);
- A hydraulic pressure sensor (14);
- Wherein the control apparatus automatically stops the engine under predetermined stopping conditions and automatically starts the engine under predetermined starting conditions (column 7, line 5 – column 10, line 67);

- Wherein the electric oil pump operates when the predetermined stopping conditions are satisfied, so as to supply the oil pressure to the transmission (column 7, line 15 – column 8, line 6); and
- Wherein the control section (10) controls the electric oil pump based on line pressure, oil temperature, driving voltage, and clutch slip (i.e., column 6, line 4 – column 10, line 67).

*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Tomohiro et al. (U. S. Patent No. 6,709,362) teaches an electric oil pump control device as shown in Fig. 1.
- Matsubara et al. (U. S. Patent No. 6,716,138) teaches a condition for driving an electric oil pump as shown in Fig. 1.
- Matsubara et al. (U. S. Patent No. 6,760,655) teaches an automatic engine stop/restart-type vehicle comprising an electric oil pump, as shown in Fig. 5.
- Aoki et al. (U. S. Patent No. 6,390,947) teaches an automatic transmission for vehicle having automatic engine-stop system and oil-pressure control system, as shown in Fig. 1.

Art Unit: 3681

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Le whose telephone number is 703-305-3690. The examiner can normally be reached on Mon-Fri (0700-1530).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A Marmor can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DDL

*Saul Rodriguez*  
SAUL RODRIGUEZ  
PRIMARY EXAMINER  
02/6/04